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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,638	08/16/2006	Yuichiro To	294145US8PCT	2296

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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PHAM, KHANH B

ART UNIT	PAPER NUMBER
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2166

NOTIFICATION DATE	DELIVERY MODE
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08/24/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,638	<b>Applicant(s)</b> TO, YUICHIRO	
	<b>Examiner</b> Khanh B. Pham	<b>Art Unit</b> 2166	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/18/09 and 7/13/10</u> .                                     | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. **Applicant's submission filed on March 5, 2010 has been entered.**

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 16-46** are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi et al. (US 2002/0087658 A1), hereinafter “**Hayashi**”.

**As per claim 16**, Hayashi teaches an information processing apparatus comprising:

- “a networking device that communicates with an external apparatus” at [0097] and Fig. 1;

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- “a storage that stores a plurality of content data” at [0104] and Fig. 1, element 5;
- “and a transfer log indicating whether each of the plurality of content data has been transferred to the external apparatus” at [0107] , [0140], and Fig. 2a, element 27;
- “a processing unit configured to identify certain content data from the plurality of content data based on whether the transfer log indicates that the certain content data has never been transferred to the external apparatus, and to update the transfer log when the networking device transfers the certain content data to the external apparatus upon determination that the certain content data has never been transferred to the external apparatus” at [0166]-[0167] and Fig. 6.

**As per claim 17**, Hayashi teaches the apparatus of claim 16, wherein “when the networking device receives identification information identifying the external apparatus from the external apparatus, the processing unit identifies the transfer log based on the identification information” at [0134]-[0136].

**As per claim 18**, Hayashi teaches the apparatus of claim 16, wherein “the processing unit is further configured to determine albums including the certain content data and to determine other content data held in the albums for a transfer to the external apparatus” at [0156]-[0160].

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**As per claim 19**, Hayashi teaches the apparatus of claim 18, wherein “the processing unit is further configured to determined the other content data based on the transfer log of the certain content data” at [0156]-[0160].

**As per claim 20**, Hayashi teaches the apparatus of claim 16, wherein “the processing unit is further configured to cause a display device to display information about albums including the certain content data and, upon a selection of the albums in response to the displayed information, to transfer other content data from the selected albums to the external apparatus” at [0156]-[0160].

**As per claim 21**, Hayashi teaches the apparatus of claim 20, wherein “the processing unit is further configured to cause the display device to display the information about the albums based on the transfer log of the certain content data” at [0156]-[0160].

**As per claim 22**, Hayashi teaches the apparatus of claim 16, wherein “the processing unit is further configured to determine albums having only content data that has never been transferred to the external apparatus and to determine content data held in the albums to be transferred to the external apparatus” at [0156]-[0160].

**As per claim 23**, Hayashi teaches the apparatus of claim 22, wherein “the processing unit is further configured to determine the content data to be transferred to the external apparatus based on the transfer log” at [0156]-[0160].

**As per claim 24**, Hayashi teaches the apparatus of claim 16, wherein “the processing unit is further configured to cause a display device to display information about albums having only content data that has never been transferred to the external apparatus and, upon a selection of the album in response to the displayed information, to transfer content data from the selected albums to the external apparatus” at [0156]-[0160].

**As per claim 25**, Hayashi teaches the apparatus of claim 24, wherein “the processing unit is further configured to cause the display device to display the information about the albums based on the transfer log” at [0156]-[0160].

**As per claim 26**, Hayashi teaches the apparatus of claim 16, wherein “the processing unit is further configured to acquire the transfer log from the external apparatus” at [0030].

**As per claim 27**, Hayashi teaches the apparatus of claim 16, wherein “the processing unit is further configured to determine the certain content data based on

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external apparatus identification information acquired from the external apparatus” at [0156]-[0160]

**As per claim 28**, Hayashi teaches the apparatus of claim 16, wherein “the certain content data is defined by a song” at [0183].

**As per claim 29**, Hayashi teaches the apparatus of claim 16, wherein “the networking device transfers the certain content data to the external apparatus based on a determination whether the certain content data has previously been transferred to the external apparatus” at [0166]-[0167].

**As per claim 30**, Hayashi teaches the apparatus of claim 29, wherein “the networking device transfers the certain content data to the external apparatus when the determination indicates that the certain content data has not previously been transferred to the external apparatus” at [0166]-[0167].

**Claims 31-46** recite similar limitations as in claims 16-30 and are therefore rejected by the same reasons.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 16-46 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the Claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(571) 272-3574** for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-



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4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh B. Pham/  
Primary Examiner  
Art Unit 2166

August 18, 2010